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WORKMEN'S COMPENSATION—INJURY ARISING OUT OF EMPLOYMENT—FALL DUE SOLELY TO SUBJECTIVE CONDITION OF WORKMAN.—A painter, rendered temporarily unconscious by an attack of indigestion, fell from the platform on which he was working to the ground eleven feet below, fracturing his skull. *Held*, an injury "arising out of the employment." *Gonier v. Chase Companies* (Conn., 1921), 115 Atl. 677.

There is some authority for the view that an injury from a fall caused solely by the subjective condition of the workman, existing independently of the occupation, is an injury "arising out of the employment." *Wicks v. Dowell & Co.*, [1905] 2 K. B. Div. 225 (workman, seized by an epileptic fit, fell into the hold of a ship); *Wright & Greig, Ltd., v. M'Kendry*, (1918) 56 Scot. L. Rep. 39 (employee suffered an uraemic fit, and fell upon the slightly sloping concrete floor of the store in which he worked); *Williams v. Llandudno Coaching and Carriage Co.*, [1915] 31 Times L. Rep. 186 (stableman, because of his intoxication, fell from a ladder); *Fraser v. John Riddell & Co.*, (1913) 51 Scot. L. Rep. 110 (engine-driver, because of his intoxication, fell off the footplate of his engine). Recovery was allowed in these cases on the ground that the injury was due to perils peculiar to the employment. But a greater number of courts have held that such an injury does not "arise out of the employment," even where, admittedly, it arises "within the course of employment." *Collins v. Brooklyn Union Gas Co.*, 156 N. Y. Supp. 957 (workman, while sweeping, had an attack of cardiac syncope, and fell, fracturing his skull); *Joseph v. United Kimono Co.*, 185 N. Y. Supp. 700 (fall from window due to attack of vertigo or headache); *Cox v. Refining Co.*, 108 Kan. 320 (fall due to epileptic fit); *Van Gorder v. Packard Motor Car Co.*, 195 Mich. 588 (epileptic fit); *Brooker v. Industrial Acc. Com.*, 176 Cal. 275 (epileptic fit). There are English cases in accord: *Frith v. Owners of S. S. Louisianian*, [1912] 2 K. B. Div. 155 (sailor, because of intoxicated condition, fell overboard); *Nash v. Owners of S. S. Rangatira*, [1914] 3 K. B. Div. 978 (sailor, attempting to board his vessel while intoxicated, fell off the gangplank); *Butler v. Burton-on-Trent Union*, (1912) 106 L. T. R. 824 (workman, suffering from tuberculosis, was seized with a fit of coughing, became dizzy and fell down a flight of steps). The courts universally declare that an injury "arises out of the employment" only when there is a causal relation between the injury and the employment. Regarding injuries "arising out of the employment," see 16 MICH. L. REV. 179, 462; 18 *id.* 162; 19 *id.* 456, 577, 669.